

Planning Committee

Minutes of the meeting held on 01 March 2024

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Present

Harry Blathwayt – in the Chair, Stephen Bolt, Bill Dickson, Tony Grayling, James Harvey, Martyn Hooton, Tim Jickells, Kevin Maguire, Leslie Mogford, Keith Patience, Vic Thomson and Fran Whymark

In attendance

Natalie Beal – Planning Policy Officer (items 11-13), Jason Brewster – Governance Officer, Nigel Catherall – Planning Officer (item 7.1), Stephen Hayden – the Authority’s Arboricultural Adviser (items 9-10), Kate Knights– Historic Environment Manager (items 9-10), Jamie Manners – Biodiversity Net Gain Officer (item 14), Cally Smith – Head of Planning and Sara Utting – Senior Governance Officer

Members of the public in attendance who spoke

Richard Jefferies, as an objector, for item 10 – Tree Preservation Order BA/2023/0027/TPO - Crabbett’s Marsh, Horning.

1. Apologies and welcome

The Chair welcomed everyone to the meeting.

Apologies were received from Melanie Vigo di Gallidoro.

Openness of Local Government Bodies Regulations 2014

The Chair explained that the meeting was being audio-recorded. All recordings remained the copyright of the Broads Authority and anyone wishing to receive a copy of the recording should contact the Governance Team. The minutes remained the record of the meeting. He added that the law permitted any person to film, record, photograph or use social media in order to report on the proceedings of public meetings of the Authority. This did not extend to live verbal commentary. The Chair needed to be informed if anyone intended to photograph, record or film so that any person under the age of 18 or members of the public not wishing to be filmed or photographed could be accommodated.

2. Declarations of interest and introductions

Members indicated that they had no further declarations of interest other than those already registered.

3. Minutes of last meeting

The minutes of the meeting held on 02 February 2024 were approved as a correct record and signed by the Chair.

4. Matters of urgent business

There were no items of urgent business

5. Chair's announcements and introduction to public speaking

Public Speaking: The Chair stated that public speaking was in operation in accordance with the Authority's Code of Practice for members of the Planning Committee and officers. Those who wished to speak were invited to come to the Public Speaking desk when the Tree Preservation Order they wished to comment on was being presented.

6. Requests to defer applications and/or vary agenda order

No requests to defer or vary the order of the agenda had been received.

7. Applications for planning permission

The Committee considered the following application submitted under the Town and Country Planning Act 1990 (also having regard to Human Rights) and reached the decision set out below. Acting under its delegated powers, the Committee authorised the immediate implementation of the decision.

The following minutes relate to additional matters of information or detailed matters of policy not already covered in the officer's report, which were given additional attention.

(1) BA/2023/0468/FUL - Hoveton - Barnes Brinkcraft

Removal of peninsula of land and replacement with floating pontoon

Applicant: Barnes Brinkcraft Ltd

The Planning Officer (PO) provided a detailed presentation of the application that would involve the removal of the majority of a peninsula of land forming part of the eastern bank of the River Bure in Hoveton, approximately 200 metres downstream of Wroxham Bridge, and its replacement with a floating pontoon on the same siting. The site was located within the wider Barnes Brinkcraft site which comprised a commercial boatyard providing hire craft and holiday accommodation services based at Riverside Road, Hoveton. The wider site consisted of moorings on and off the river and dyke, an administrative building, visitor facilities, holiday accommodation and a boat building and repair shed.

The PO indicated that the application was before the committee as the applicant was a Member of the Navigation Committee.

The presentation included a location map, the site marked within a map of Wroxham, the site marked within a map focussing on the River Bure adjacent to Riverside Road, an aerial photograph of the previous map, an aerial photograph centred on the site adjacent to the river showing the site boundary, the same aerial photograph this time without the site boundary to enable the peninsula of land to be fully visible, a plan diagram showing the area of land to be removed and the replacement pontoon within this area, a plan diagram depicting the improved moorings provided by the pontoon, a diagram showing plan and elevation views of the pontoon and the associated three new steel piles and various photographs of the site showing the existing moorings, the fuel tank and the poor condition of the northern end of the peninsula.

The PO explained that the proposal was to remove the majority of the peninsula and replace it with a floating pontoon on the same siting. A length of 2.6 metres of the peninsula would be retained at its southern end, with the pontoon extending northwards from the stub of retained land. The fuel tank, currently located towards the northern end of the peninsula, would be moved to the retained peninsula land at the southern end of the site.

The pontoon would measure 30 metres in length and 2.5 metres in width, being fixed by 3 piles within the pontoon towards the mooring basin side. The pontoon would have a 'Duragrate' composite material for the deck, with a yellow colour to match the existing pontoons just north of the subject area. The pontoon would maintain the line of the riverbank it replaced, and the mooring provision would not be altered.

The principle of development was considered to be acceptable as it maintained mooring provision at the site and provided an improvement in terms of accessibility and manoeuvrability of craft within the mooring basin.

The pontoon would maintain the line of the defined edge of the river thereby ensuring that the existing width of navigable river was maintained. There was existing side-on mooring which would be re-provided by the pontoon. Pontoons were a feature of the area and were considered to be an acceptable addition in a setting such as this.

The existing peninsula had been assessed as having no suitable habitat on or near the site and therefore the proposed works would have no impact on habitats or protected species.

The proposed works were not expected to result in a disturbance of peat soils however a plan to deal with the discovery of peat soils on the site, in accordance with Local Plan policy DM10 (Peat), had been conditioned.

The Authority's Ecologist had recommended the submission of a Risk Assessment Method Statement (RAMS), to ensure the adoption of measures to prevent waste material entering the water course, and this had been conditioned. The works would require a Works Licence from the Authority and a Flood Risk Activity Permit from the Environment Agency.

The PO concluded that the proposed replacement of a peninsula of land with a floating pontoon was acceptable in principle, would not result in a narrowing of the navigation channel, and would have an acceptable appearance with regard to the site and surrounding area. Therefore, the application was recommended for approval subject to the conditions detailed in section 8.1 of the report.

Given the use of the peninsula of land and the duration of this use Members were concerned about the risk of pollution resulting from its removal. The PO confirmed that the Works Licence, RAMS and the Flood Risk Activity Permit, required for this work to proceed, would provide a basis for ensuring that this work would not harm the water course and that the resulting waste material would be disposed of correctly.

In response to a question the PO confirmed that the Crown Estate would be aware of the application and any matters arising would be raised with the applicant.

Leslie Mogford proposed, seconded by Fran Whymark and

It was resolved unanimously to approve subject to conditions:

- i. Time limit;**
- ii. In accordance with approved plans;**
- iii. Completion and submission of a Risk Assessment Method Statement (RAMS) ahead of works commencing;**
- iv. Works to stop if any evidence of water vole activities or burrows are found, and seek advice from an independent qualified Ecologist;**
- v. Removal of tarmac before commencing excavation of the peninsula;**
- vi. Process for reuse of peat if found during excavation works;**
- vii. Biodiversity enhancements - bat roost, house sparrow and swift nest boxes;**
- viii. Side-on mooring only to the river side of the approved pontoon.**

8. Enforcement update

Members received an update report from the Head of Planning (HoP) on enforcement matters previously referred to the Committee. Further updates were provided at the meeting for:

Land at the Beauchamp Arms Public House (Unauthorised static caravans) – The rescheduled Hearing at Norwich Crown Court may be delayed as not all participants were available on 15 March 2024.

Holly Lodge, Church Loke, Coltishall (Unauthorised replacement windows in listed building) – The HoP indicated that the Landowner had engaged an agent and discussions were underway to resolve this matter without recourse to the serving of an Enforcement Notice.

9. BA/2023/0020/TPO - Land from north of The Acorns to Fen Hollow, Horsefen Road, Ludham

The Historic Environment Manager (HEM) presented the report recommending confirmation of a provisional Tree Preservation Order (TPO) on a group of trees at and near The Acorns, The Beeches, The Pines, Broadgate and Fen Hollow, Horsefen Road, Ludham.

The HEM presented a location map, a site map and various photographs of some of the trees associated with provisional TPO BA/2023/0020/TPO as viewed from various locations including Horsefen Road, Womack Staithe and Womack Water. This provisional TPO had been served as part of the Authority's ongoing review of its existing portfolio of TPOs and, for efficacy, this provisional TPO had replaced three previous TPOs with no change to the trees covered or restrictions applied. The provisional TPO covered an area that included a mix of holiday chalets with individual trees dotted across a number of discrete properties and one

group of five oak trees at The Acorns, adjacent to Horsefen Road (a map was shown detailing the location of the individual trees and group of trees included in the TPO). The provisional TPO would need to be confirmed before it lapsed on 20 March 2024.

The HEM indicated that the TPO assessment had concluded that all of the trees were good specimens with high visual amenity enhancing the setting of the chalets on the site and the wider environment. The amenity value was further increased by the trees as a group, which were visible from Horsefen Road, Womack Water and Womack Staithe. There was a level of threat to the trees due to the fragmented ownership of the site.

An objection had been received from the owners of The Acorns stating that one of the oak trees, which sat to the right hand side of the entrance to their driveway, restricted vehicular access to the drive. Given the growth of the tree and increased traffic on Horsefen Road, since the tree was first protected by a TPO, it was harder to gain entry and leave the property and the objector would like to remove the tree. This oak related to the tree at the eastern end of the group of five oak trees, collectively referred to as G1 within the TPO.

The objection had been received within the 28-day consultation period and as per the Authority's Scheme of powers delegated to the Chief Executive and other officers, paragraph 50 (ii), this matter would need to be determined by the Planning Committee.

At the Planning Committee meeting on 5 January 2024, Members had considered a site visit to view the oak trees at The Acorns and decided that, in this instance, a visit was not justified.

As requested at the 5 January meeting, the HEM provided measurements relating to group G1's eastern oak tree relative to Horsefen Road and the driveway to The Acorns. The entrance to the driveway was 3.75m wide and the driveway narrowed to 3.4m between the oak tree and the property's the southern boundary fence. The oak tree was located 3.5m from the nearest edge of Horsefen Road and the road itself was 4.4m wide at this point. Various photographs were shown of The Acorns driveway and the five oak trees that constituted G1 including images showing a large boat on a trailer parked beside the property.

The Authority's Arboricultural Adviser (AAA) had visited the site and, on inspection, found there was no visible damage to the oak tree and no evidence of collisions with the tree. It was concluded that although the space was restricted it was sufficient to safely ingress to and exit from the property.

The oak tree cited by the objector was assessed to be integral to the G1 group of five oaks and contributed to the amenity value of this group. The G1 grouping contributed to the wider cumulative effect on the visual amenity associated with the TPO.

The HEM explained that, given the objection, there were 3 options relating to the confirmation of the TPO:

1. Confirm the TPO with no amendment.
2. Confirm the TPO but exclude the eastern oak tree from group G1.
3. Do not confirm the TPO.

The recommendation was to confirm the TPO with no amendment.

In response to a question the HEM confirmed that no objective evidence had been provided to support the objector's assertions.

In response to a question the AAA indicated that the oak trees within group G1 were approximately 60 years old and had plenty of life left. The AAA indicated that this group of trees had been the subject of tree works in the past and that the TPO did not preclude further necessary tree works in the future

The Senior Governance Officer read a statement in support of the TPO provided by Cllr Adam Varley who was unable to attend the meeting.

Members acknowledged the attractive surroundings of the site and the contribution that the trees made to the visual amenity. A Member noted the efforts taken over the years by Ludham to protect this location and believed it was incumbent on the committee to reciprocate.

Leslie Mogford proposed, seconded by Bill Dickson and

It was resolved unanimously to confirm Tree Preservation Order BA/2023/0020/TPO - Land from north of The Acorns to Fen Hollow, Horsefen Road, Ludham.

10. BA/2023/0027/TPO - Crabbett's Marsh, Horning

The Historic Environment Manager (HEM) presented the report recommending confirmation of a provisional Woodland Tree Preservation Order (TPO) for an area of woodland at Crabbett's Marsh, Horning whose subject trees were a part of a large area of wet woodland consisting primarily of alder, willow and birch trees.

The HEM presented a location map, a site map, an aerial photograph of the north-eastern part of the site bounded by South Quays Lane and Woodlands Way Road, an aerial photograph of the southern boundary of the site depicting the chalets at Bureside Estate, an aerial photograph of the southern half of a dyke that intersected the eastern part of the site, photographs of the site as viewed from Horning Road, Hoveton Little Broad, the river Bure and Horning and various photographs of the site.

This provisional TPO had been served as part of the Authority's ongoing review of its existing portfolio of TPOs and replaced a previous TPO dating from 2009 with no change to the area covered or restrictions applied. The provisional TPO would need to be confirmed before it lapsed on 24 April 2024.

The large area of wet woodland covered by the TPO was located to the west of Horning, with Hoveton Little Broad forming its western boundary with the A1062 Horning Road forming the northern boundary and providing access to the site via South Quays Lane. South Quays Lane and Woodlands Way Road formed the eastern boundary of the site, with the southern boundary being to the rear of the riverside chalets at Bureside Estate.

The woodland had been divided into plots and consequently there were a number of different owners. An unsurfaced private track ran from South Quays Lane, providing vehicular and pedestrian access to the woodland plots and riverside chalets.

The HEM explained that wet woodland was a very rare and important habitat and as such was considered most threatened and requiring conservation action under the UK Biodiversity Action Plan (BAP). The watery nature of the wet woodland in conjunction with decaying wood created a very special ecosystem.

There was considered to be a threat to the woodland due to the incremental clearance by landowners, in particular from plot owners. This was particularly the case on the eastern side of the site where the plots between the access track and dyke were frequently under pressure to perform a use, rather than to remain as a block of undisturbed woodland. This resulted in plots being demarcated, dead wood and undergrowth was cleared to 'tidy' the land and measures were taken to reduce boggy ground conditions in order to allow access to the water and create parking areas (photographs were shown to illustrate these points).

The HEM indicated that the Authority had received 14 representations including 2 objections in relation to this provisional TPO.

These objections had been received within the 28-day consultation period and as per the Authority's Scheme of powers delegated to the Chief Executive and other officers, paragraph 50 (ii), this matter would need to be determined by the Planning Committee. In preparation for this determination, at the Planning Committee meeting on 2 February 2024, Members had decided a site visit would be beneficial and a visit to Crabbett's Marsh was undertaken on 15 February 2024.

One objector believed there was an 8 week wait for applications to carry out works to dead, fallen or falling trees and this delay would be a safety concern to plot holders and residents using the roadway through Crabbett's Marsh.

The HEM confirmed that the TPO would not preclude any necessary tree works as agreed in advance with the Authority. Any trees that posed an immediate risk to persons and property could be removed and, in this circumstance, it was advised that photographs of the trees were taken beforehand to provide documentary evidence of their unsafe state.

The other objector had cited a number of reasons for their objection and the HEM discussed each in turn.

The objector did not believe that the Local Planning Authority (LPA) for the Broads had the authority to serve a TPO. The HEM confirmed that the LPA for Broads was authorised to serve TPOs within its Executive Area.

The objector believed that conservation of the woodland alone was not enough to justify a TPO and Crabbett's Marsh was not a Site of Scientific Special Interest (SSSI). The objector also asserted that as there was no public access to the site there could be no amenity value and therefore no justification for a TPO.

The HEM explained it was not a pre-requisite of a TPO for the subject location to be a SSSI or have any other form of designation. The amenity value of the trees or woodland covered by a TPO was not determinant on whether the subject trees or woodland were publicly accessible. Government guidance indicated that amenity was not defined in law so LPAs needed to exercise judgement when deciding whether to serve a TPO. The guidance indicated that TPOs should be used to “protect trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public”. The HEM explained that public enjoyment was not limited to being able to physically access the TPO subject trees and woodlands and included being able to view them from public vantage points. The HEM demonstrated, by the use of photographs, that the woodland at Crabbett’s Marsh was visible from a wide surrounding area much of which was accessible by the public. The HEM added that public visibility alone was not enough to justify a TPO. The guidance indicated that the characteristics of the woodland should also be considered as well as other factors such as nature conservation. Given the size of Crabbett’s Marsh, its expected long lifespan, its rarity as a habitat, its significance to the cultural heritage of the Broads, its contribution to the landscape and the inclusion of this type of habitat on the UK BAP, in conjunction with its public visibility, the Authority had concluded that the woodland at Crabbett’s Marsh had a significant impact on the local environment and warranted protection.

The objector had referred to maintaining vehicular access to the site and the HEM confirmed that access had been maintained following the original TPO being served in 2009 and there was no reason for this to change.

The objector had highlighted paragraph 82 of the government’s TPO guidance which they believed entitled them to remove any tree encroaching on their property. The HEM explained that this part of government guidance did enable works to prevent or abate a nuisance, which the guide equated to actual damage, without the Authority’s consent. However, the guidance did add that, in certain circumstances, it might still be appropriate to consult with the Authority to determine the suitability of these tree works and to consider other measures where applicable.

The objector believed the TPO would not improve the navigation and therefore was contrary to the Broads Authority’s statutory role to maintain navigation within the Broads. Clearly the LPA for the Broads undertakes a lot of work that does not directly improve navigation within the Broads, it does not mean that the Authority’s remit has been contravened. In terms of trees that effect navigation, the Authority would seek to work with landowners to ensure the best management of the trees along the riverbank to ensure that unhindered navigation was provided.

The objector believed that plot K, constituted a garden and, as the guidance indicated that it would be unlikely for a garden to be covered by a Woodland TPO, plot K should not be included in the TPO. The HEM indicated that plot K, located approximately midway along the access track and bounded by the dyke to the east, consisted of a large boatshed, that included first floor residential accommodation, on the north of the plot and a garden to the south (plot K was highlighted on an aerial photograph that showed the southern half of a dyke that

intersected the eastern part of the site). The HEM confirmed that the guidance did indeed indicate it was unlikely for a woodland TPO to cover a garden however it did not preclude this eventuality when it was appropriate. The HEM indicated that plot K was located in the much larger woodland as demonstrated by the photograph and therefore it was appropriate for it to be covered by a woodland TPO.

The HEM concluded that the recommendation was to confirm this provisional TPO and thereby continue the protection of the woodland that had been established in 2009.

A Member asked what the impact clearing the undergrowth from the plots had on the trees and ecosystem. The Authority's Arboricultural Adviser (AAA) responded that this clearance changed the understory and prevented new regrowth. The woodland TPO protected everything that could become a tree and as such, the clearance of the understory, contravened the TPO. Wet woodlands were reliant on decaying matter and the removal of dead trees was not conducive to the conservation of this environment.

A Member, having seen the incremental clearance first hand during the site visit, asked how effective enforcement at the site was. The HEM replied that when the TPO was re-served an information sheet had been included detailing what was important about the wet woodland environment and highlighting the importance of dead and decaying matter to invertebrates. Enforcement was not easy as it was sometimes difficult to verify what the condition of a given plot before clearance had commenced. Clearance may have been confined to reeds and the removal of dead trees, neither of which contravened the TPO, but did have a negative impact on the wider ecosystem. The Head of Planning (HoP) indicated that the site was visited on a regular basis by the Enforcement Officer and the Authority would continue to investigate reports of possible contraventions of the TPO. Given the nature of these plots the HoP believed it was important to educate new plot owners to ensure they were aware of the importance of this habitat and the restrictions imposed by the TPO.

A Member asked, assuming the TPO was confirmed, were there any further plans to educate residents and landowners at the site and whether the residents could be co-opted to help protect this habitat through peer pressure. The HEM responded that this work was underway and that it would not be restricted solely to the woodland but would also consider the use of the plots.

Mr Richard Jefferies spoke as an objector to the TPO and said that he disagreed with the application of a Woodland TPO in the context of plots K and L on the site. He believed the Ordnance Survey map to be the definitive map and that, as the OS map did not show the two plots within the woodland, these plots could not be included in a woodland TPO. He welcomed the improvements sought by this TPO and indicated that he would have no objection to a TPO being served in relation to specific trees located within plot K.

The Senior Governance Officer read a statement in support of the TPO provided by Cllr Adam Varley who was unable to attend the meeting.

Members acknowledged the importance of wet woodland habitat within the Broads. A Member believed that given the lack of public access and the resulting difficulties in observing

this area it was more important to ensure it was protected. Members were keen to strengthen the environmental protection afforded this area.

Tim Jickells proposed, seconded by Kevin Maguire and

It was resolved unanimously to confirm Tree Preservation Order BA/2023/0027/TPO at Crabbett's Marsh, Horning.

11. Local Plan - Preferred Options (bitesize pieces)

The Planning Policy Officer (PPO) presented the report which detailed four new or amended policy areas that were proposed to form part of the Preferred Options version of the Local Plan. The PPO proposed to discuss each section of the report in turn and welcomed members' feedback.

Designing places for healthy lives

The amendments to policy DM45 (Designing places for healthy lives) highlighted the importance of the scale of development. A Small Sites Healthy Planning Checklist had been developed for use on a self-assessment basis and was intended to encourage applicants to consider how their development would enhance health and wellbeing.

Land on the Corner of Ferry Road, Horning

The PPO indicated that policy HOR8 (Land on the Corner of Ferry Road, Horning) had been brought to committee on 28 April 2023 where the status of the live/work units, when challenged, could not be verified. The Enforcement Officer had since visited the site and confirmed that the live/work units were being operated as intended. The PPO confirmed that the only amendment to this policy reflected the correct current use classes.

Implementation, monitoring and review

The Monitoring and Implementation table (in Appendix 3 of the report) detailed how the usage of Local Plan policies was to be monitored and the approach tended to be the same as for the current Local Plan.

Norfolk County Council Health Profile of the Broads

The Health and Wellbeing Paper (in Appendix 4 of the report) had been produced by Norfolk County Council to provide a picture of the health of residents within the Broads and outline key principles and practical recommendations for promoting health in spatial planning.

Stephen Bolt proposed, seconded by Tony Grayling and

It was resolved unanimously to endorse the NCC Health and Wellbeing Paper as evidence for the Local Plan.

Members' comments were noted.

12. Preferred Options Local Plan for consultation

The Planning Policy Officer (PPO) presented the report which sought approval to issue the Preferred Options version of the Local Plan ready for consultation including its supporting material (Sustainability Appraisal and Habitats Regulation Assessment).

The Preferred Options version of the Local Plan had been assembled from the “bitesize pieces” reports that Members had been consulted on since June 2023. The appendices discussed at item 11 of the agenda would be included. The PPO indicated that the Biodiversity Net Gain (BNG) policy (PODM15) had been updated by the BNG Officer to reflect the BNG regulations that took effect in February 2024 and these changes were marked for the benefit of Members.

A discussion took place regarding the Authority adopting a percentage increase in BNG greater than the 10% mandated by the regulations. The PPO explained that work was required to justify a higher BNG percentage and confirmed this work had commenced. The fruition of this work would be brought to the Planning Committee for consideration. In the meantime, it was agreed to add a comment to the reasoned justification section of this policy indicating that the Authority was investigating a higher BNG percentage.

The PPO explained that in conjunction with the PDF versions of the Policy Maps (Appendix 3 of the report) there would be an online interactive version of these maps that would link to the Local Plan.

The Habitats Regulation Assessment had not been available for inclusion in this report however it had since been completed. The HRA consultants had assessed each bitesize piece that had been before Planning Committee, so their comments had been taken on board.

The 8 week consultation period was due to run from 25 March until 17 May 2024 and included three drop-in events at various locations across the Broads and scheduled for differing days of the week and differing times of the day.

The PPO confirmed the recommendations as detailed on page 1 of the report.

In response to a query, it was agreed to amend Policy POSTO1 item 2.i) to read “The scheme delivers a selection of housing types and sizes ~~agreed~~ *agreed-in consultation* with the Parish Council, *and agreed with* Great Yarmouth Borough Council and Broads Authority”.

Members supported the report and thanked the PPO for her hard work in preparing the Preferred Options version of the Local Plan.

Tim Jickells proposed, seconded by Leslie Mogford and

It was resolved unanimously to:

- i. Endorse the Preferred Options version of the Local Plan, Sustainability Appraisal and Habitats Regulations Assessment.**

- ii. **Recommend to the Broads Authority that the Preferred Options version of the Local Plan, Sustainability Appraisal and Habitats Regulations Assessment were issued for consultation.**
- iii. **Endorse the proposal that the final Habitats Regulations Assessment would be agreed with the Head of Planning, in consultation with the Chair of the Planning Committee.**
- iv. **Delegate any further typographical, formatting, or minor improvements of the Preferred Options version of the Local Plan, Sustainability Appraisal and Habitats Regulations Assessment to the Planning Policy Officer.**

13. Consultation Responses

The Planning Policy Officer (PPO) introduced the report, which documented the response to the Regulation 16 version of the Loddon and Chedgrave (Chet) Neighbourhood Plan. The PPO had, in conjunction with some minor comments, raised an objection as there was an ambiguity within Policy 1 of this version of the neighbourhood plan regarding where self/custom build properties were to be allowed.

Stephen Bolt proposed, seconded by Fran Whymark and

It was resolved unanimously to endorse the nature of the proposed responses to the Regulation 16 version of the Loddon and Chedgrave (Chet) Neighbourhood Plan.

Leslie Mogford left the meeting.

14. Biodiversity Net Gain

The Biodiversity Net Gain Officer (BNGO) presented the report which provided a summary of the BNG regulations that became mandatory for major developments from 12 February 2024 and would extend to small sites from 2 April 2024. The intention of these regulations was to reverse the decline in biodiversity within the UK.

The NBGO explained the legislative background to BNG (as per section 2 of the report) and then detailed how BNG would work (as per section 3).

The BNGO explained that the only BNG information statutorily required at the application stage was limited to the site baseline BNG information. All the information related to how the BNG would be delivered was left to the pre-commencement stage and required through the imposition of a General Biodiversity Gain Condition. Without more information at the application stage, it was not possible for the LPA to determine with any confidence that the necessary BNG could be delivered in accordance with the statutory requirements.

National guidance had made provision for LPAs to require the submission of additional information through their local validation lists, including on how the BNG would be delivered.

It was proposed that the Authority's Local Validation List be updated to include a requirement for information to be provided on BNG delivery. The required information could include a fully

completed post-development metric tool, a draft Biodiversity Gain Plan for certain applications or other types of report on how the BNG requirement would be delivered and/or, where necessary, draft heads of terms for a section 106 or other legal agreement to secure provision and monitoring of BNG for the 30 year period.

The updated validation checklist would need to go through a consultation process before being adopted.

The BNGO confirmed the recommendation to update the Local Validation List and undertake a consultation of this updated document.

A Member asked who was responsible for the monitoring of BNG. The BNGO explained that the legal requirement was with the developer to monitor the BNG over the statutory 30 year period. The Authority would receive the monitoring report and would have to assess whether the gains set out in the Biodiversity Gain Plan were being met.

The Member asked whether developers could subcontract the responsibility for monitoring to a third party. The BNGO explained that if the BNG was to be achieved offsite then the associated credits sold to the developer would also include the cost of monitoring. The provider of the offsite BNG would be responsible for monitoring the BNG and this would be reflected in the price of the associated credits. The onsite provision of BNG would be associated with the land via a S106 agreement. The S106 agreement would be transferred to future owners of that land over the 30 year period. The Head of Planning (HoP) explained that this was another reason for the proposed changes to the Local Validation List and indicated that the information required would be proportionate to the scale of development.

A Member asked if a development exceeded the required BNG target could the developer sell the excess BNG as offsite units? The BNGO explained that was possible and provided an incentive for developers to exceed the BNG target. The HoP explained that due to the hierarchy of BNG solutions then more offsite BNG would be required to offset the preferred onsite BNG.

Vic Thomson proposed, seconded by Tony Grayling and

It was resolved unanimously to endorse the consultation of an amended Local Validation List.

15. Appeals to the Secretary of State

The Committee received a schedule of appeals to the Secretary of State since the last meeting.

16. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 22 January 2024 to 16 February 2024 and two Tree Preservation Orders confirmed within this period.

17. Date of next meeting

As there were no matters for decision, the meeting scheduled for 22 March would be cancelled. The next meeting of the Planning Committee would be on Friday 26 April 2024 10.00am at The King's Centre, 63-75 King Street, Norwich.

The meeting ended at 12:15pm.

Signed by

Chair